

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JULIO C. DIAZ individually and on behalf of
others similarly situated,

Plaintiff,

vs.

UNITED PARCEL SERVICE, INC.,

Defendant.

Case No. EDCV09-02279 VBF (DTBx)

**DECLARATION OF ALEJANDRA
ZÁRATE WITH RESPECT TO
NOTIFICATION, AND CLAIMS
ADMINISTRATION**

Date: April 25, 2011

Time: 1:30 p.m.

Ctrm: 9

Judge: Hon. Valerie Baker Fairbank

DECLARATION OF ALEJANDRA ZÁRATE

I, ALEJANDRA ZÁRATE, DECLARE AS FOLLOWS:

1. I am employed by CPT Group, Inc., the Court-appointed class action claims administrator for *Julio C. Diaz v. United Parcel Service, Inc.*, as the Case Manager. I have personal knowledge of the facts set forth in this Declaration, and if called as a witness, could and would testify competently thereto.

2. CPT Group, Inc. ("Claims Administrator") has extensive experience in providing notice of class actions and administering class action settlements. In the past 25 years, we have provided notification and/or claims administration services in hundreds of class action cases. Claims Administrator was selected by the parties to provide notice of the settlement and process claims and exclusions in this action. In this capacity, Claims Administrator was charged with a) printing and mailing to Settlement Class Members the *Notice of Proposed Class Action Settlement and Final*

1 *Approval, Claim Form for Settlement Share and Election not to Participate in Settlement* hereinafter
2 collectively referred to as "*Notice Packets*"; b) processing undeliverable mail and locating updated
3 addresses for Settlement Class Members; c) receiving other communications about the Settlement; d)
4 notifying the Parties of the identity of Settlement Class Members that filed timely Claims and
5 Requests for Exclusion; e) establishing and maintaining a toll free case hotline where class members
6 can speak to case representatives regarding case specific questions; f) filing any required reports with
7 the Court; and g) issuing and mailing settlement checks, including the class enhancement checks, to all
8 class members.

9 3. Claims Administrator received the Court-approved text for the Notice from Class
10 Counsel on September 28, 2010.

11 4. Claims Administrator prepared a draft of the Notice Packets for mailing to the
12 Settlement Class Members. The mailing would consist of a four-page Notice of Proposed Class Action
13 Settlement and Final Approval Hearing, a one-page Claim Form for Settlement Share, and a one-page
14 Election not to Participate in Settlement. Claims Administrator received approval from the Parties and
15 a sufficient number of each were printed according to the anticipated class size.

16 5. On November 26, 2010, Claims Administrator received data files from Defense
17 Counsel containing Settlement Class Members' names, last known mailing addresses, class members'
18 shifts worked during the class period, and Employee ID number. The final class list contained 28,290
19 Settlement Class Members.

20 6. On December 3, 2010 Claims Administrator caused a National Change of Address
21 (NCOA) search in attempt to update the class list of addresses as accurately as possible. A search of
22 this database provides updated addresses for any individual who has moved in the previous four years
23 and notified the U.S. Postal Service of their change of address.

24 7. The Notices were enclosed in envelopes with the names and known addresses printed
25 on them. On December 27, 2010 the Notice Packets were mailed via U.S. first class mail to all
26 Settlement Class Members.

27 8. On January 26, 2011 Claims Administrator completed a reminder postcard mailing to
28 Class Members who had not filed a Claim Form or Opt Out as of January 25, 2011.

1 9. As of the date of this declaration, 3,645 Notice Packets were returned to our office by
2 the Post Office, 386 of which had a forwarding address. Claims Administrator performed a Skip Trace
3 on the other 3,171 returned Notice Packets with no forwarding addresses to locate a new address using
4 Accurant, one of the most comprehensive address databases available. It utilizes hundreds of different
5 databases supplied by credit reporting agencies, public records and a variety of other national
6 databases.

7 10. A total of 3,125 Notice Packets were re-mailed during the claims period as a result of
8 either a forwarding address provided from the Post Office, CPT locating a better address through
9 Accurant, or from re-mail requests from Class Members. As of the date of this declaration, 545 of the
10 re-mailed Notice Packets have been returned from the Post Office as Undeliverable.

11 11. As of the date of this declaration, a total of 8,700 Responses have been submitted to the
12 Claims Administrator, of which 8,393 are Valid Claim Forms.

13 12. As of the date of this declaration, Claims Administrator has received 245 Requests for
14 Exclusion.

15 13. As of the date of this declaration, 62 Claim Forms are considered to be Invalid because
16 they are duplicate submissions from the same Class Member.

17 14. As of the date of this declaration, there 181 late Claims, postmarked between February
18 11, 2010 and March 18, 2011.

19 15. As of the date of this declaration, there are 91 disputed claims. Defense counsel has
20 been provided with 77 outstanding disputes that had supporting documentation for review. For those
21 disputed claims with no supporting documents, CPT has sent letters requesting supporting
22 documentation. If responses are received to these letters, the disputes will be forwarded to Defense
23 counsel for review.

24 16. As of the date of this declaration, there are 70 deficient claims. Deficiency letters have
25 been mailed to these Class Members providing information as to how their deficient Claim can be
26 cured.

27 17. As of the date of this declaration, Claims Administrator has not received any written
28 Objections to the settlement.


1 18. As of the date of this declaration, if all deficient Claims are cured or accepted, and all
2 late Claims are accepted, Claims Administrator shall report a total of 8,393 valid Claims out of a total
3 class of 28,290, representing 29.67% of the total class filing a Claim.

4 19. As of the date of this declaration, if all disputed Claims resolve against the class
5 member and all deficient and late Claims are accepted, Claims Administrator shall report a total of
6 1,411,131 shifts claimed representing 43.39% of the total shifts being claimed.

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8 20. CPT will charge \$104,000.00 in costs associated with the administration of the
9 Settlement. This includes all costs incurred to date, as well estimated costs involved in completing the
10 Settlement.

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12 I declare under penalty of perjury under the laws of the State of California that the foregoing is
13 true and correct and that this declaration is executed this 22nd day of March, 2011 at Irvine,
14 California.

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17 ALEJANDRA ZÁRATE
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